IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE THIRTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT PETITION NO : 3736 of 1998

Between:

1.Municipal Superior Employees Association, rep. by it's

President, A.Samuel, S/o.late Sri A.David, aged 36 years,

Junior Asst. Municipal Office, Kakinada, East Godavari Dist.

2.Municipal Karmika Sangam rep. by its Secretary,

Nammi Malleswara Rao, S/o.N.Durgaiah, aged 48 years,

P.H.Worker Municipal Office, Kakinada, E.G.District. 533 001

3.Municipal Workers Union, rep. by its President,

Somadala Jammu Appanna, S/o.Appanna, aged 40 years

4.State teachers Union, (S.T.U.) rep. by its President

M.Krishna Mohan, S/o.M.Narayana Rao, aged 35 years,

Sec. Grade Asst. Kakinada Municipality, Kakinada, EG.District.

5.A.P.United Teachers Federation, rep. by its President

V.Satyanarayana Raju, S/o.V.Chalama Raju, aged 45 years,

Sec. Grade Asst. Kakinada Municipality, Kakinada, E.G.District.

6.Municipal Class IV Employees Assn, rep. by its Secretary,

A.Venkataraju, S/o.A.Surya Rao, aged 35 years, Attender,

Municipal Office, Kakinada, E.G.District **..... PETITIONERS**

AND

1.The State of A.P., rep. by it's Principal Secretary,

Dept. of Finance & Planning (Fin. Wing.Rev) A.P.Secretariat,

Hyderabad.

2.The Special Commissioner & Director,

Muinicipal Administration,,Andhra Pradesh, Hyderabad.

3.The Municipal Commissioner, Kakinada Municipality,

Kakinada, East Godavari District. **....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction, more particularly one in the nature of Writ of Mandamus, to (i) declare the action of the respondents in insisting that the employees of other categories except the Non-Gazetted Officers of the State Government to pay Profession tax at the enhanced rates as arbitrary; illegal; unjust and violative of Article 14 of the Constitution of India. (ii) direct the respondents to recover only at the pre-enhanced rates as is being done in the case of the Non-Gazetted Officers of the State Government. And pass such other and further order or orders as are deemed fit and proper in the circumstances of the case.

Counsel for the Petitioners: MR.NUTY RAM MOHAN RAO

Counsel for the Respondent No.1: GP FOR FINANCE & PLANNING

Counsel for the Respondent Nos.2 & 3: Mr.E.Sambasiva Pratap, Standing Counsel for A.P. Municipalities (Andhra)

The Court made the following :

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER: **(PER SRI BN, J)**

G.O. Ms. No.48 Finance and Planning (Finance Wing. E B S-Rev.) Department dt.15-3-1997, has been challenged in this writ petition, being unconstitutional. Same G.O. has already been considered by this Court in a judgment reported in **'ECIL OFFICERS ASSOCIATION AND OTHERS VS. GOVERNMENT OF A.P., AND OTHERS'.** That G.O. has already been upheld. Therefore, the writ petition is dismissed. No costs.

(BILAL NAZKI, J)

13TH OCTOBER, 2004

(S.ANANDA REDDY, J)

LUR

Copy to:

1.The Principal Secretary,

State of A.P., Dept. of Finance & Planning (Fin. Wing.Rev)

A.P.Secretariat, Hyderabad.

2.The Special Commissioner & Director,

Muinicipal Administration,,Andhra Pradesh, Hyderabad.

3.The Municipal Commissioner, Kakinada Municipality,

Kakinada, East Godavari District.

4. Two CCs to the G.P. for Finance and Planning,

High Court Buildings, High Court of A.P.,

Hyderabad (O.U.T.)

5.Two CD copies.